

Nos. 118, 117, and 36 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 23, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Enrolled Bills, have had S. J. R. No. 4 carefully examined compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 25, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 459, 463, 460, 469, and 445 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston, Chairman.

Austin, Texas,  
May 24, 1939.

Hon. Coke R. Stevenson, President of the Senate:

Sir: We, your Committee on Enrolled Bills, have had Senate Bills Nos. 466, 476, 396, 465, 238 and 474 carefully examined, compared and read, and find same correctly enrolled.

LANNING, Chairman.

## SEVENTY-SEVENTH DAY

(Monday, May 29, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called, and the following Senators were present:

Aikin	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalfe
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Hill	Pace
Isbell	Redditt
Kelley	Roberts

Shivers  
Small  
Spears  
Stone  
of Galveston

Stone  
of Washington  
Sulak  
Van Zandt  
Weinert  
Winfield

Absent—Excused

Beck

Head

A quorum was announced present. The invocation was offered by the Chaplain.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 25, 1939, was dispensed with and the Journal was approved.

## Leaves of Absence Granted

Senator Head was granted leave of absence for today on account of important business, on motion of Senator Collie.

Senator Beck was granted leave of absence for today on account of important business, on motion of Senator Burns.

## Report of Standing Committee

Senator Weinert submitted the following report of the Committee on State Affairs.

Austin, Texas,  
May 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 1064, A bill to be entitled "An Act authorizing cities having a population of two hundred and eighty-five thousand (285,000) inhabitants, or more, according to the last preceding or any future Federal Census, to extend by ordinance their boundary so as to include in such cities all publicly owned or publicly operated airports, flying fields, and landing fields lying within a distance of ten (10) miles in air line from the ordinary limits of such cities, and in addition thereto land lying within a distance of three thousand (3,000) feet of the exterior limits of such airports, flying fields, and landing fields; providing for intervening land to be included; authorizing such cities to pass ordinances, criminal and otherwise,

under the general police powers to promote and protect the safe and efficient operation of said airports, flying fields, and landing fields and particularly the power to limit the height of any building or structure within three thousand (3,000) feet of exterior limits thereof; prohibiting taxing of property in said territory; providing the Act shall not prevent extension of city limits for municipal purposes when same may be legally done; prohibiting cities from including territory for purposes named when such territory is already within the limits of another city or town; declaring this Act to be severable; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

#### Senate Bills on First Reading

The following local bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Pace:

S. B. No. 478, A bill to be entitled "An Act creating and establishing Van Zandt County Road District Number 7 in Van Zandt County, Texas, under Article III, Section 52 of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the commissioners' court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the district hereby created is also included in another road district hav-

ing outstanding bonds shall not affect the district hereby created or its powers hereby granted; determining that all of the lands in said district will be benefited by additional road improvements; providing that the provisions of this act shall prevail in the event of conflict with any other general or special laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Brownlee:

S. B. No. 479, A bill to be entitled "An Act to amend Section 1, Chapter 494, of the Acts of the Regular Session of the Forty-fifth Legislature; adding the County of San Saba to the list of counties affected by said Act; repealing all laws in conflict herewith and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Burns:

S. B. No. 480, A bill to be entitled "An Act, making it unlawful to transport minnows from Walker County for the purpose of sale, or to transport more than two hundred minnows from Walker County, or to have in any vehicle more than two hundred minnows in Walker County; providing a penalty; repealing all conflicting laws, and declaring an emergency."

Referred to Committee on Game and Fish.

#### Report of Standing Committee

Senator Hardin, by unanimous consent, submitted at this time the following report of the Committee on Counties and County Boundaries:

Austin, Texas,  
May 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 478, A bill to be entitled "An Act creating and establishing Van Zandt County Road District No. 7, in Van Zandt County, Texas, under

Article III, Section 52 of the Constitution for the purpose of the construction, operation and maintenance of macadamized, graveled or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds vote of the property taxpaying voters voting at an election; etc., and declaring an emergency,"

Have had the same under consideration, and desire to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

#### Senate Concurrent Resolution 58

Senator Brownlee offered the following resolution:

Whereas, Honorable Martin L. Dies, Congressman from Texas, will shortly visit the City of Austin, and

Whereas, Congressman Dies is one of the most sincere and energetic defenders of Americanism and has fearlessly and tirelessly expended his remarkable talent in combating the un-American and subversive elements attempting to destroy the American form of government and to convert the people of America to the totalitarian theory of government, now in practice in some of the countries of the Old World, and

Whereas, Congressman Dies has brought into the open many of these un-American activities and plots against our government and has exerted with tireless energy strict vigilance against these dangers within our midst in an effort to protect and preserve liberty, the most priceless heritage of all Americans, now living or to be born; now therefore, be it

Resolved, by the Senate of the State of Texas, concurred in by the House of Representatives, That Congressman Martin L. Dies be invited to address a joint session of the Texas Legislature at 11:30 A. M., May 30, 1939, in the Hall of the House of Representatives, and that the Lieutenant Governor, as President of the Senate, and the Speaker of the House each appoint a committee of three members of the respective bodies to extend the invitation to Congressman Dies, as herein provided for.

The resolution was read; and on motion of Senator Brownlee and by unanimous consent, it was considered immediately.

The resolution was adopted.

#### Report of Standing Committee

Senator Roberts, by unanimous consent, submitted at this time the following report of the Committee on Finance:

Austin, Texas,  
May 25, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1009, A bill to be entitled "An Act amending Chapter 100, General Laws, Regular Session, Forty-fourth Legislature, as amended, Acts, 1937, Forty-fifth Legislature, Senate Bill No. 142, Section 2, so as to provide that in no event shall the expenditure for the administration of this Act exceed Sixty-five Thousand Dollars (\$65,000.00) for any one fiscal year; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

#### Senate Bill 477 on Second Reading

On motion of Senator Burns and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 477 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 477, A bill to be entitled "An Act to amend Section 3 of House Bill 74, passed at this, the Regular Session of the Forty-sixth Legislature, so as to prescribe rules and regulations by which it may be established who are now licensed to practice law within this State within the meaning of said Section; and declaring an emergency."

The bill was read second time.

Senator Burns offered the following amendment to the bill:

Amend S. B. No. 477 by adding a new section as follows:

Nothing in this Act shall give the District Judge or the Supreme Court the right to re-instate or to license any person who has been disbarred."

The amendment was adopted.

The bill was passed to engrossment.

#### Senate Bill 477 on Third Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 477 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Small
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalfe	Winfield
Moffett	

Absent

Shivers Spears

Absent—Excused

Beck Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Metcalfe
Brownlee	Moffett
Burns	Moore
Collie	Nelson
Cotten	Pace
Graves	Redditt
Hardin	Roberts
Hill	Small
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Sulak

Van Zandt Winfield  
Weinert

Absent

Shivers Spears

Absent—Excused

Beck Head

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 164, Instructing the Enrolling Clerk of the House to make certain changes in H. B. No. 995.

The House has passed the following:

S. B. No. 200, A bill to be entitled "An Act defining bedding to include mattresses, pillows, bolsters, feather beds, etc.; requiring the labelling of bedding as to whether new or second-hand materials are used; prohibiting the use of materials from dump-grounds, junk yards and hospitals; requiring the germicidal treatment of second-hand materials; authorizing the State Board of Health with enforcement; requiring permits for manufacture, repair or renovation and application of germicidal process; the payment of fees for permits; providing for the issuance of adhesive stamps and registration for selling bedding; providing that proceeds be placed in special Bedding Sanitation Fund for use in administration of Act; providing a penalty; requiring bedding manufacturers or renovators to keep premises sanitary; excepting all bedding manufactured, repaired, renovated and/or sold prior to effective date; providing that if any part of this Act shall be declared unconstitutional, it shall not affect any other part thereof, and declaring an emergency." (With amendments.)

S. B. No. 224, A bill to be entitled "An Act granting and donating to each respective county of this State for a period of five years beginning with the taxable year 1939 all the State ad valorem taxes, not hereto-

fore donated or appropriated to any county, district, city or other political subdivision, collected for general revenue purposes upon the property and from persons in each respective county, including ad valorem taxes on rolling stock belonging to railroad companies, for the use of each respective county for the purposes of constructing improvements to prevent soil erosion, flood control, irrigation and drainage projects, reforestation and road building and further providing that said taxes shall be levied, assessed and collected in the manner now provided by law and the Assessor and Collector in each county shall forward his report to the Comptroller covering said collections and shall pay over to the County Treasurer of each respective county all moneys collected by him at the end of each month, except such amounts as may be allowed by the law for collecting and assessing said taxes; requiring said Assessor and Collector to forward a duplicate copy of the receipt given him by County Treasurer for said moneys to the State Comptroller and defining the purposes and intention of this Act, and declaring an emergency." (With amendments.)

S. B. No. 276, A bill to be entitled "An Act providing for the establishment of a State Board of Embalming, providing for the appointment and terms of the members thereof and for their removal; granting powers and imposing duties upon said Board; and declaring an emergency." (With amendments.)

The House has adopted the Conference Committee report on H. B. No. 249 by a vote of 123 ayes and 1 no.

The House has adopted the Conference Committee report on H. B. No. 904 by a vote of 121 ayes and 1 no.

The House has concurred in Senate amendments to H. B. No. 1077 by a vote of 123 ayes, 1 no.

The House has concurred in Senate amendments to H. B. No. 794 by a vote of 105 ayes, 1 no.

The House has concurred in Senate amendments to H. B. No. 1042 by a vote of 106 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 133 by a vote of 112 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 1020 by a vote of 108 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 531 by a vote of 119 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 539 by a vote of 121 ayes, 0 noes.

The House has concurred in Senate amendments to H. B. No. 1049 by a vote of 130 ayes, 0 noes.

The House has concurred in Senate amendments to H. C. R. No. 144 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 492 by a viva voce vote.

The House refused to concur in Senate amendments to H. B. No. 1061 and has requested the appointment of a conference committee to consider the differences between the two Houses. The following are appointed on the part of the House: Clark, Kindard, Cleveland, Howell, Wood.

The House has reconsidered the vote by which the House concurred in Senate amendments to H. B. No. 580, and refused to concur, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House: Morris, Bond, Heflin, Piner, Thornberry.

The House has passed H. C. R. No. 168, inviting the Hon. Jesse H. Jones and Hon. Amon Carter to address a joint session of the Legislature at 11:00 a. m. May 29, 1939.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Message from the Governor

(Veto of Senate Bill 69)

The President Pro Tempore laid before the Senate, and had read, the following message from the Governor:

Austin, Texas,  
May 25, 1939.

To the Members of the Senate of the  
Forty-sixth Legislature:

I am vetoing and disapproving S. B. No. 69, which is a bill designed to withdraw from party who participates in trial of a case the right to a review in a Court of Civil Appeals by a means of writ of error, and assign therefor the following reasons:

I believe that in many instances this would work an undue hardship on litigants and I have been shown no substantial abuses under the existing law, though it has been on our statute books for a great many years. The time for suing out writ of error was formerly twelve months and is now six months. This appears to be a reasonable time.

Very truly yours,  
W. LEE O'DANIEL,  
Governor of Texas.

#### Senate Bill 69 Passed Over Governor's Veto

Senator Van Zandt moved that the Senate proceed to reconsider the bill at this time and that it be passed notwithstanding the objections of the Governor thereto.

Question—Shall the bill be passed notwithstanding the objections of the Governor?

The bill was passed notwithstanding the objections of the Governor by the following vote:

#### Yeas—17

Aikin	Moffett
Brownlee	Pace
Burns	Small
Collie	Stone
Cotten	of Galveston
Graves	Stone
Kelley	of Washington
Lanning	Van Zandt
Lemens	Weinert
Metcalfe	

#### Nays—8

Hardin	Moore
Hill	Nelson
Isbell	Redditt
Martin	Roberts

#### Absent

Shivers	Sulak
Spears	Winfield

#### Absent—Excused

Beck	Head
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#### Conference Committee on Senate Bill 224

Senator Weinert called S. B. No. 224 from the President's table for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

Senator Weinert moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro Tempore announced the appointment of the following conferees on the bill on the part of the Senate: Senators Weinert, Moore, Burns, Metcalfe, and Spears.

#### Senate Bill 470 with House Amendments

Senator Stone of Washington called up S. B. No. 470 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

#### Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

#### Absent

Sulak

**Absent—Excused**

Beck Head

**House Concurrent Resolution 164**

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 164, Authorizing certain corrections in H. B. No. 995.

The resolution was read; and by unanimous consent, it was considered immediately and was adopted.

**Senate Bill 276 with House Amendments**

Senator Martin called up S. B. No. 276 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

**Yeas—28**

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

**Absent**

Sulak

**Absent—Excused**

Beck Head

**House Bill 1113 on Second Reading**

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1113 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1113, by Dwyer, A bill to be entitled "An Act to amend Section 1 of House Bill No. 196, passed by the Regular Session of the 46th Legislature, and declaring an emergency."

The bill was read second time and was passed to third reading.

**House Bill 1113 on Third Reading**

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1113 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

**Absent**

Sulak

**Absent—Excused**

Beck Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

**Absent**

Sulak

**Absent—Excused**

Beck

Head

**House Bill 688 on Passage to Third Reading**

Senator Pace moved that the regular order of business be suspended, and that H. B. No. 688 be laid before the Senate for further consideration at this time.

The motion prevailed by the following vote:

**Yeas—23**

Aikin	Moffett
Brownlee	Moore
Burns	Pace
Collie	Redditt
Graves	Spears
Hardin	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Van Zandt
Lemens	Weinert
Martin	Winfield
Metcalf	

**Nays—4**

Cotten	Shivers
Nelson	Small

**Absent**

Roberts

Sulak

**Absent—Excused**

Beck

Head

The President Pro Tempore then laid before the Senate on its passage to third reading (the bill having been read second time on May 16, 1939):

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the

Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

With amendment by Senator Sulak and motion by Senator Moore to reconsider the vote by which the amendment by Senator Small was adopted to the bill on May 17, 1939, pending.

Question—Shall the motion to reconsider prevail?

**Reports of Standing Committee**

By unanimous consent, the following reports of the Committee on Game and Fish were submitted at this time:

Austin, Texas,  
May 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 479, A bill to be entitled "An Act to amend Section 1, Chapter 494, of the Acts of the Regular Session of the Forty-fifth Legislature; adding the County of San Saba to the list of counties affected by said Act; repealing all laws in conflict herewith and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 480, A bill to be entitled "An Act making it unlawful to transport minnows from Walker County for the purpose of sale, or to transport more than two hundred minnows from Walker County, or to have in any vehicle more than two hundred minnows in Walker County; providing a penalty; repealing all conflicting laws, and declaring an emergency,"



Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Austin, Texas,  
May 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 1084, A bill to be entitled "An Act repealing House Bill No. 666 passed at the Regular Session of the Forty-sixth Legislature, the same being a local game bill for Comanche County; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

#### House Concurrent Resolution 168

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 168, Inviting Hon. Jesse Jones and Hon. Amon G. Carter to address a joint session of the Legislature at 11:00 o'clock a. m., today.

By unanimous consent, the resolution was considered immediately and was adopted.

#### Joint Session

At 11:00 o'clock a. m., the President Pro Tempore announced the hour had arrived for the holding of the joint session to hear addresses by Hon. Jesse Jones and Hon. Amon G. Carter, and he requested the Senators to proceed to the Hall of the House of Representatives.

The Honorable Senate was announced at the Hall of the House, and the Senators were duly admitted and escorted to seats prepared for them along the aisle.

Hon. Jesse Jones, Hon. W. P. Hobby, the President of the Senate and the President Pro Tempore, by invitation of the Speaker, occupied seats on the Speaker's stand.

Speaker Morse called the joint session to order and announced that President Pro Tempore Moore would act as the presiding officer of the joint session.

The President Pro Tempore presented former Governor W. P. Hobby, who introduced Hon. Jesse Jones to the joint session.

Mr. Jones then addressed the joint session and the assemblage.

The President Pro Tempore announced that Hon. Amon G. Carter, who also had been invited to address the joint session, was unable to attend the session on account of illness in his family.

The President Pro Tempore stated the business of the joint session had been concluded, and he requested the Senate to repair to its Chamber.

#### In the Senate

The President Pro Tempore called the Senate to order at 11:35 o'clock a. m.

#### House Bill 688 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 688, on its passage to third reading; with amendment by Senator Sulak and also motion by Senator Moore to reconsider the vote by which the amendment by Senator Small was adopted on May 17, 1939, pending.

Question—Shall the motion to reconsider prevail?

#### Senate Bill 121 with House Amendments

Senator Spears called up S. B. No. 121 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

Yeas—28

Aikin	Collie
Brownlee	Cotten
Burns	Graves

Hardin	Redditt
Hill	Roberts
Isbell	Shivers
Kelley	Small
Lanning	Spears
Lemens	Stone
Martin	of Galveston
Metcalfe	Stone
Moffett	of Washington
Moore	Van Zandt
Nelson	Weinert
Pace	Winfield

Absent

Sulak

Absent—Excused

Beck

Head

**Senate Bill 478 on Second Reading**

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 478 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck

Head

On motion of Senator Pace and by unanimous consent, Senate Rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 478 at this time.

The President Pro Tempore laid S. B. No. 478 before the Senate on

its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

**Senate Bill 478 on Third Reading**

The President Pro Tempore then laid S. B. No. 478 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck

Head

**House Bill 1102 on Second Reading**

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1102 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1102, A bill to be entitled "An Act validating all elections, election orders, election proceedings, affidavits and city ordinances, annexing adjacent territory, or extending and prescribing the corporate limits of any incorporated city or town incorporated and functioning under General Law of Texas under Commission form of Government, such validating act to apply only in cities or towns located in a county having a population of not less than sixteen thousand, five hundred and twenty-five (16,525) and not more than sixteen thousand, nine hundred (16,900), and where

such cities or towns in such counties have a population of not less than seven thousand, five hundred and sixty-nine (7,569), and not more than sixteen thousand, five hundred and sixty (16,560), according to the last preceding Federal Census, or any subsequent Federal Census, providing exceptions, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1102 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1102 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

#### Absent

Sulak

#### Absent—Excused

Beck Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—28

Aikin	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalfe
Hardin	Moffett
Hill	Moore

Nelson	Stone
Pace	of Galveston
Redditt	Stone
Roberts	of Washington
Shivers	Van Zandt
Small	Weinert
Spears	Winfield

#### Absent

Sulak

#### Absent—Excused

Beck Head

#### Request Granted for Conference Committee on House Bill 580

Senator Van Zandt called up from the President's table for consideration at this time, the request of the House for a conference committee on H. B. No. 580.

Senator Van Zandt moved that the request of the House be granted.

The motion prevailed.

#### Recess

On motion of Senator Stone of Washington, the Senate, at 12:05 o'clock p. m., took recess to 2:00 o'clock p. m. today.

#### Afternoon Session

The Senate met at 2:00 o'clock p. m. and was called to order by the President Pro Tempore.

#### Senate Bill 480 on Second Reading

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 480 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Lemens
Brownlee	Martin
Burns	Metcalfe
Collie	Moffett
Cotten	Moore
Graves	Nelson
Hardin	Pace
Hill	Redditt
Isbell	Roberts
Kelley	Shivers
Lanning	Small

Spears  
Stone  
of Galveston  
Stone  
of Washington

Van Zandt  
Weinert  
Winfield

Absent

Sulak

Absent—Excused

Beck

Head

On motion of Senator Burns and by unanimous consent, Senate Rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 480 at this time.

The President Pro Tempore laid S. B. No. 480 before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 480 on Third Reading

The President Pro Tempore then laid S. B. No. 480 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck

Head

#### Senate Bill 479 on Second Reading

Senator Brownlee moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 479 be

placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck

Head

On motion of Senator Brownlee and by unanimous consent, Senate Rule 48 was suspended, and the regular order of business was suspended, to permit consideration of S. B. No. 479 at this time.

The President Pro Tempore laid S. B. No. 479 before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 479 on Third Reading

The President Pro Tempore then laid S. B. No. 479 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lanning
Brownlee	Lemens
Burns	Martin
Collie	Metcalf
Cotten	Moffett
Graves	Moore
Hardin	Nelson
Hill	Pace
Isbell	Redditt
Kelley	Roberts

Shivers	Stone
Small	of Washington
Spears	Van Zandt
Stone	Weinert
of Galveston	Winfield

Absent

Sulak

Absent—Excused

Beck

Head

**House Bill 1050 on Second Reading**

On motion of Senator Kelley and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1050 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1050, A bill to be entitled "An Act to amend Chapter 3 of Title 128 of the Revised Statutes of 1925, relating to water control and preservation districts by providing that lands in any such district lying within or adjoining the territorial limits of an incorporated city or town, which was not included in such district at time of the organization of such district, and which lands have been subdivided into town lots and blocks, with streets or other thoroughfares dedicated to the use of the public, and of which a map and such dedication has been duly filed for record with the County Clerk of the county in which lands are situated, may be discontinued as part of such district; providing that the Board of Directors may pass resolutions excluding such territory; providing that the owners of such lands may petition the district for an election to determine the question of whether the lands shall be withdrawn, and for the holding of such an election and providing that lands so withdrawn shall no longer be entitled to be served with water from the irrigation system, and that such lands shall be charged with their pro rata part of existing indebtedness of the said district, and providing that the owner or owners of such land may pay the total of their pro rata at any time."

The bill was read second time.

Senator Kelley offered the following (committee) amendment to the bill:

Amend the caption of H. B. No. 1050, by adding, after the words "at any time." at the very end of the caption, the following: "; and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

**House Bill 1050 on Third Reading**

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1050 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck

Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lemens
Brownlee	Martin
Burns	Metcalf
Collie	Moffett
Cotten	Moore
Graves	Nelson
Hardin	Pace
Hill	Redditt
Isbell	Roberts
Kelley	Shivers
Lanning	Small

Spears  
Stone  
of Galveston  
Stone  
of Washington

Van Zandt  
Weinert  
Winfield

Absent

Sulak

Absent—Excused

Beck Head

#### House Bill 1084 on Second Reading

On motion of Senator Metcalfe and by unanimous consent, Senate rule 48 was suspended and the regular order of business was suspended, to permit consideration of H. B. No. 1084 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1084, A bill to be entitled "An Act repealing House Bill No. 666 passed at the Regular Session of the Forty-sixth Legislature, the same being a local game bill for Comanche County, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1084 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1084 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck Head

#### House Bill 1103 on Second Reading

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1103 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1103, A bill to be entitled "An Act prohibiting the taking of fish for commercial purposes from the public waters of Jones and Shackelford Counties; prescribing penalties, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1103 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1103 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent

Sulak

## Absent—Excused

Beck

Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent

Sulak

## Absent—Excused

Beck

Head

**Request to Set House Bill 50  
As a Special Order**

Senator Kelley asked unanimous consent of the Senate that H. B. No. 50 be set as special order for tomorrow immediately after conclusion of the morning call on that day.

The President Pro Tempore stated that there was objection to the request.

## House Bill 1095 on Second Reading

On motion of Senator Collie and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1095 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1095, A bill to be entitled "An Act creating a Special Road Law for Haskell County, Texas, validating an issue of refunding warrants dated March 15, 1939, in the amount of Fifty-seven Thousand (\$57,000.00) Dollars and the proceeding authorizing their issuance; providing that such validation shall not affect any of such refunding warrants the validity of which is in issue in litigation within thirty (30) days after the date this Act becomes effective; repealing House Bill No. 479, passed at the Regular Session of the Forty-sixth Legislature, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 1095 on Third Reading

Senator Collie moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1095 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent

Sulak

## Absent—Excused

Beck

Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck Head

#### House Bill 1074 on Second Reading

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 1074 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 1074, A bill to be entitled "An Act amending Article 2092 of the Revised Civil Statutes of Texas, being Chapter 105 of the Acts of the Regular Session of the Thirty-eighth Legislature, page 215, as amended by the Acts of the Forty-first Legislature, Regular Session (1929), Chapter 222, page 476, and by Chapter 70, page 227 of the Acts of the Fifty Called Session of the Forty-first Legislature (1930), and by Chapter 33, page 58 of the Acts of the Third Called Session of the Forty-third Legislature (1934), and by Chapter 249, page 636 of the Acts of the Forty-fourth Legislature, Regular Session (1935), so as to make same applicable to all counties having five (5) or more District Courts with either civil or criminal jurisdiction or both, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 1074 on Third Reading

Senator Spears moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 1074 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent

Sulak

Absent—Excused

Beck Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalfe	Weinert
Moffett	Winfield

Absent

Sulak



## Absent—Excused

Beck Head

## House Bill 387 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 387 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 387, A bill to be entitled "An Act to amend Article 1970-314 Revised Civil Statutes of Texas, 1925, by diminishing the jurisdiction of the County Court of Red River County, Texas, in certain criminal cases; and conforming the jurisdiction of the District Court of such County to such change; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 387 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 387 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent

Sulak

## Absent—Excused

Beck Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent

Sulak

## Absent—Excused

Beck Head

## House Bill 431 on Passage to Third Reading

By unanimous consent, Senator Aikin moved to call from the table, on its passage to third reading (the bill having been read second time and tabled subject to call on April 6, 1939):

H. B. No. 431, A bill to be entitled "An Act providing pay for County Board members of certain counties and limiting the number of sessions to be paid for, and declaring an emergency."

The motion prevailed.

The President Pro Tempore laid the bill before the Senate on its passage to third reading.

The bill was passed to third reading.

## House Bill 431 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 431 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent

Sulak

## Absent—Excused

Beck

Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—28

Aikin	Moore
Brownlee	Nelson
Burns	Pace
Collie	Redditt
Cotten	Roberts
Graves	Shivers
Hardin	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt
Metcalf	Weinert
Moffett	Winfield

## Absent

Sulak

## Absent—Excused

Beck

Head

## Senate Bill 194 with House Amendments

Senator Graves called up S. B. No. 194 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill and the House amendments before the Senate.

Question—Shall the Senate concur in the House amendments?

The Senate concurred in the House amendments by the following vote:

## Yeas—25

Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hill	Spears
Isbell	Stone
Kelley	of Galveston
Lanning	Stone
Lemens	of Washington
Metcalf	Van Zandt
Moffett	Weinert
Moore	Winfield
Nelson	

## Nays—1

Aikin

## Absent

Hardin  
Martin

Sulak

## Absent—Excused

Beck

Head

## Motion to Take Up House Concurrent Resolution 146

Senator Metcalfe moved that the regular order of business be suspended and that House Concurrent Resolution No. 146 be laid before the Senate for further consideration at this time.

The motion was lost by the following vote:

## Yeas—13

Collie	Small
Lanning	Stone
Martin	of Galveston
Metcalf	Stone
Moffett	of Washington
Moore	Weinert
Nelson	Winfield
Roberts	

## Nays—13

Aikin	Isbell
Brownlee	Lemens
Burns	Pace
Cotten	Redditt
Graves	Spears
Hardin	Van Zandt
Hill	

## Absent

Shivers Sulak

## Absent—Excused

Beck Kelley  
Head

## Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, May 29, 1939.

Hon. Coke R. Stevenson, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1079, A bill to be entitled "An Act to aid the San Jacinto River Conservation and Reclamation District embracing the Counties of Montgomery, Walker, San Jacinto, and all that part of Liberty County embraced in the San Jacinto Watershed in carrying out the powers, duties and functions conferred upon such District by the Legislature; granting and donating to such District, with limitations, for a period of twenty (20) years, fifty (50%) per cent of all the State ad valorem taxes for General Revenue purposes upon the property and from persons in counties comprising in whole or in part such District, and declaring an emergency."

H. C. R. No. 166, Inviting Robert L. Ripley, Believe it or not, to address a joint session of the Legislature on Monday, June 5 at 11:00 a. m.

Mr. Daniel has been appointed to replace Mr. Thornberry as conferee on H. B. No. 580.

Granted the request of the Senate for the appointment of a conference committee on S. B. No. 200. The following are appointed on part of the House: Bell, Johnson of Tarrant, Segrist, Coleman, Schuenemann.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

House Bill 688 on Passage to  
Third Reading

The Senate resumed consideration of pending business, same being H. B.

No. 688, on its passage to third reading; with amendment by Senator Sulak pending, and also motion by Senator Moore to reconsider the vote by which the amendment by Senator Small was adopted on May 17, 1939, pending.

Question—Shall the motion to reconsider prevail?

Senator Pace moved the previous question on the motion, and the motion for the previous question was duly seconded.

Yeas and nays were demanded, and the main question was ordered by the following vote:

## Yeas—16

Brownlee	Moffett
Burns	Pace
Collie	Redditt
Graves	Spears
Hardin	Stone
Isbell	of Galveston
Lanning	Stone
Lemens	of Washington
Martin	Van Zandt

## Nays—8

Aikin	Nelson
Cotten	Small
Metcalf	Weinert
Moore	Winfield

## Absent

Hill	Shivers
Roberts	Sulak

## Absent—Excused

Beck	Kelley
Head	

Question then recurring on the motion to reconsider, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—21

Aikin	Moffett
Brownlee	Moore
Burns	Pace
Collie	Roberts
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Lanning	Van Zandt
Lemens	Winfield
Martin	

## Nays—4

Metcalfe	Redditt
Nelson	Small

## Absent

Shivers	Sulak
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## Absent—Excused

Beck	Head
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## Paired

Senator Weinert (present), who would vote "nay" with Senator Kelley (absent), who would vote "yea."

Question—Shall the amendment by Senator Small be adopted?

On motion of Senator Van Zandt, the amendment by Senator Small and the amendment offered by Senator Sulak were tabled.

Senator Pace offered the following amendment to the bill:

Amend House Bill No. 688, by striking out Section 1 thereof, shown on pages 1, 2 and part of 3, of the mimeographed copy thereof, and inserting in lieu thereof the following:

"Section 1. That Section 1, Chapter 13, Acts of the Third Called Session of the 42nd Legislature, be amended so as to read hereafter as follows:

"Section 1. It is expressly recognized and declared that all highways now or heretofore constituting a part of the system of State Highways and that all roads not constituting a part of such system, which have been constructed in whole or in part from the proceeds of bonds, warrants or other evidence of indebtedness issued by counties of the State of Texas, or by defined road districts of the State of Texas, under the laws authorizing the same, have been and are and will continue to be beneficial to the State of Texas at large, and have contributed to the general welfare, settlement and development of the entire State, and that, by reason of the foregoing, a heavy and undue burden was placed, and still rests, upon the counties and defined road districts and their inhabitants, and both a legal and moral obligation rests upon the State to compensate and reimburse such counties and defined road districts which as aforesaid, have performed functions resting upon the State, and have

paid expenses which were and are properly State expenses, all for the use and benefit of the State, and to the extent provided herein that the State provide funds for the further construction of roads not designated as a part of the State Highway System.

Having heretofore by an Act of the Legislature (Chapter 13, Acts of the 3rd Called Session of the 42nd Legislature in 1932) taken over, acquired and purchased the interest and equities of the various counties and defined road districts in and to the highways constituting a part of the system of then designated State Highways, it is further declared to be the policy of the State to take over, acquire, purchase and retain, the interest and equities of the various counties and defined road districts in and to the highways, not previously taken over, acquired and purchased and constituting on January 1, 1939, a part of the system of designated State Highways, and to acquire and purchase the interest and equities of the various counties and defined road districts in and to the roads not constituting a part of the system of designated State Highways as of January 1, 1939, and under the provisions of this Act to acquire such interest and equities in such roads hereafter to be constructed with money furnished by the State, and to reimburse said counties and districts therefor, and to provide for the acquisition, establishment, construction, maintenance, extension and development of the system of designated State Highways of Texas, from some source of income other than the revenues derived from ad valorem taxes, it being expressly provided herein that the State is not assuming, and has not assumed, any obligation for the construction, maintenance, extension and development of any of the highways thus acquired and purchased which do not constitute a part of the system of designated State Highways. And it is hereby determined that the further provisions of this Act constitute fair, just and equitable compensation, repayment and reimbursement to said counties and defined districts and for their aid and assistance to the State in the construction of State Highways and for the construction of State Highways and for the construction of said roads which are ancillary to but do not constitute a part of said sys-

tem of State Highways, and fully discharges the legally implied obligations of the State to compensate, repay and reimburse the agencies of the State for expenses incurred at the instance and solicitation of the State, as well as for expenses incurred for the benefit of the State, and fully discharges the State's legally implied obligation to such counties and defined road districts to provide additional funds for the further construction of roads not designated as a part of the State Highway System."

Yeas and nays were demanded, and the amendment was adopted by the following vote:

## Yeas—17

Aikin	Martin
Brownlee	Moffett
Burns	Moore
Collie	Pace
Cotten	Roberts
Graves	Spears
Hardin	Stone
Isbell	of Galveston
Lanning	Van Zandt
Lemens	

## Nays—8

Hill	Stone
Metcalfe	of Washington
Nelson	Sulak
Redditt	Winfield
Small	

## Absent

Shivers

## Absent—Excused

Beck	Head
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## Paired

Senator Weinert (present), who would vote "nay" with Senator Kelley (absent), who would vote "yea."

Senator Pace offered the following amendment to the bill:

Amend H. B. No. 688, by adding a new section to be known and numbered Section 4, and insert between Section 3 of said H. B. No. 688, on page 27, and Section 4 on page 27, and renumbering Section 4, 5, and 6 appropriately. Said new section to read as follows:

"Section 4. That Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended

by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 114, Acts of the First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, be amended by adding a new section to read as follows:

"No provision of this Act shall be construed to authorize the giving or lending of the credit of the State to any county or district or to pledge the credit of the State in any manner whatever for the payment of any of the outstanding road indebtedness herein referred to of the counties or districts of the State. It is hereby declared that all eligible indebtedness, as herein defined, shall remain indebtedness of the respective counties or defined road districts which issued it and said counties or defined road districts shall remain liable on said indebtedness according to its terms and tenor; and it is not the purpose or intention of this Act, or any part hereof, to obligate the State of Texas directly or indirectly or contingently, for the payment of any such obligations or that the State of Texas should assume the payment of said obligations, and this Act is not to be construed as obligating the State of Texas to the holders of any of said obligations to make any payment of the same, or any part thereof, nor shall such holders have any rights to enforce the appropriation of any of the moneys hereinabove provided for, nor shall any provision hereof constitute a contract on the part of the State to make money available to any county for the construction of additional lateral roads, but the provisions hereof are intended solely to compensate, repay and reimburse said counties and districts for the aid and assistance they have given to the State in furnishing, advancing and contributing money for building and constructing State Highways and lateral roads, to provide for the use and application by said counties and districts of the moneys which they may receive under the provisions of this Act, and under the circumstances prescribed in this Act to provide additional money to counties for the construction of additional lateral roads. Without seeking to bind succeeding Legislatures to the policy of

utilizing one cent of the gasoline tax to compensate and reimburse counties and defined road districts for performing functions resting on the State, making such money available to pay eligible indebtedness of such counties and defined road districts, and under the circumstances prescribed making money available to counties for the construction of additional lateral roads, this Act will afford the relief intended during the period for which succeeding Legislatures continue to appropriate such money for such purposes, and is designed to provide for the orderly retirement of all of such eligible indebtedness if such funds are made available for the purpose for a period of twenty-five years, and during such period to permit the construction of additional lateral roads by counties having a relatively small amount of eligible indebtedness.

If succeeding Legislatures shall continue to carry out the policy herein defined by authorizing a similar appropriation of funds from time to time, (a) then whenever the interest and principal necessary to retire the outstanding indebtedness owed for designated State Highways shall have been fully paid as herein provided, as to, or for any county or defined road district according to the provisions of this Act, then and in that event, the title and possession of all roads, roadbeds, bridges and culverts, in such county or defined road district which are included in the system of designated State Highways, shall automatically vest in fee simple in the State of Texas, and in the event of any subsequent physical change therein, such title and possession shall extend to any such change so made; and (b) whenever the interest and principal necessary to retire the outstanding indebtedness owed for lateral roads shall have been fully paid as herein provided, as to, or for any county or defined road district according to the provisions of this Act, then and in that event, the title of all roads, roadbeds, bridges and culverts, in such county or defined road district pertaining to the lateral roads, constructed with the proceeds of such indebtedness, shall automatically vest in the State of Texas, but the possession thereof shall remain in such county or defined road district, and in the event of any subsequent physical change

therein, such title and possession shall extend to any such change so made; provided that when the right of way, or any part thereof, pertaining either to a State Highway or a lateral road, has been abandoned because of the abandonment of such road for all public purposes, and such right of way, or any part thereof, was donated by the owner of the land for right of way purposes, then and in that event the title to said right of way shall vest in said owner, his heirs or assigns; provided, however, that nothing in this Act shall prevent the State Highway Commission from changing or abandoning any State Highway, and if the Commission shall change or abandon any State Highway in any county, the Commissioners' Court of such county shall have the right to assume jurisdiction over such portion of such highway so abandoned by the State Highway Commission. Likewise, the title to additional lateral roads when constructed shall vest in the State of Texas. Provided, however, that this Act neither imposes the obligation on, nor confers the right in the State of Texas, to maintain or operate any roads except those constituting a part of the designated State Highway System as hereinabove in this Act defined. The obligation to operate and maintain all other roads, including lateral roads and additional lateral roads as defined in this Act, shall remain undisturbed in the several Commissioners' Courts of the State."

And renumber following sections to conform.

The amendment was adopted.

Senator Pace offered the following amendment to the bill:

Amend H. B. 688, by striking out the sentence beginning in the middle of line 13, page 13, of the mimeographed bill, and all succeeding matter through the remainder of pages 13, 14, 15, 16, 17, 18, and down to paragraph 4, page 19, and inserting in lieu thereof the following:

"The portion of the money constituting the County Lateral Road Fund to which each county of the State may be entitled hereunder shall be available, (first) to pay the current principal and interest, and sinking fund requirements of such county or road district bonds or warrants, the

proceeds of which were expended on county lateral roads prior to January 1, 1939, and (second) in the event there is no such road indebtedness outstanding against such county or defined road district, or in the event the share of said lateral road fund due such county is in excess of the current indebtedness requirements, principal and interest, and sinking fund, of such county and its defined road district, then such excess shall be used for the construction of lateral roads in the manner and subject to the provisions of this bill.

"The Board shall determine the amount thereof to which each county and its included defined districts are entitled in the following manner: of the total amount in the County Lateral Road Fund, the Board shall allocate to each county and its included defined districts: one-tenth (1/10) thereof upon the basis of area, determined by the ratio of the area of the county to the total area of the State; two-tenths (2/10) thereof upon the basis of population according to the last preceding Federal Census, determined by the ratio of the population of the county to the total population of the State; three-tenths (3/10) thereof upon the basis of the number of motor vehicles registered during the last preceding fiscal year, determined by the ratio of the number of such vehicles registered in the county to the total number registered in the State; as shown by the official Report of the State Highway Department, four-tenths (4/10) thereof upon the basis of lateral road mileage, determined by the ratio of the mileage of lateral roads in the county to the total mileage of lateral roads in the State as of January 1, 1939, as shown by the records of the State-Federal Highway Planning Survey and the State Highway Department. The money in the Lateral Road Fund to which each county shall be entitled shall be utilized as follows:

"(1) (a) Said Board shall pay the maturing principal of all such lateral road issues of indebtedness and shall set aside the current sinking fund requirements of said county and its included defined districts. The Board shall utilize none of said money to pay the interest on such indebtedness until payment of such principal and current provisions for such sinking fund shall have been provided.

"(1) (b) Said Board shall pay in-

terest on all issues of such lateral road indebtedness of said County and of its included defined districts to the extent of 2% or less if funds are not sufficient to make such payment, provided that whenever in the opinion of the Board funds are available to do so, it may pay of such maturing interest more than the specified 2%;

"(1) (c) In the event there is not sufficient money available to pay all of the principal requirements under paragraph (1) or interest requirements under paragraph (2) for a given county and its included defined districts, the money available for such county shall be prorated to the several issues of obligations of such county and its included districts on the ratio that the amount of the current requirements of principal and interest for such issue bears to the total amount of principal and interest required for all of the issues of said county for that year; provided that the Board in its discretion and upon application by such county may use some other method of apportioning such funds for such county.

"(1) (c) In the event there is not principal and interest of such indebtedness of defined districts situated in more than one county, insofar as practicable, in the same manner that it pays the principal and interest of such county indebtedness, and shall charge such payments, equitably, to the counties involved.

"(1) (e) In instances wherein neither said county nor its included defined districts has eligible lateral road indebtedness and in instances wherein a credit to said county remains in said Lateral Road Fund, after paying the principal and interest requirements of its Lateral Road Indebtedness in the manner provided in paragraphs (1) (a), (1)(b), (1)(c), and (1) (d) of this subsection (g) (1), said Board shall notify the county Judge of said county of the amount shown to have been credited to the County in the Lateral Road Fund, and shall forward to the County Judge of the County a check or warrant drawn against said Lateral Road Fund, payable to the order of the County Treasurer of the County, for such amount. Said money shall be used by the Commissioners' Court of the County for the construction of lateral roads within the County.

"In this connection it is declared to be the intent of the Legislature

that all contractual duties and obligations which may exist between any County or defined road district and the owner or holder of the present outstanding indebtedness of any such county or defined road district shall remain inviolate, and shall not in any manner be disturbed or impaired by this Act. Any tax heretofore provided to be levied, or which has been levied, in support of any present outstanding indebtedness, ascertained by the provisions of this Act, shall continue to be assessed, levied and collected as originally provided; however, the collection of said tax shall by order of the Commissioners' Court be lessened and reduced by payments made or to be made thereon in behalf of such indebtedness out of said Fund, as herein provided, and as succeeding Legislatures shall, by appropriation, make provision therefor. The entire proceeds of all taxes collected on any eligible issue of bonds shall be remitted by the County Treasurer of each County collecting the same, together with a statement of the amount collected, to the State Treasurer as Ex-Officio Treasurer of said County or defined road district for the benefit of such County or district, and shall be disbursed to meet the interest, principal and sinking fund requirements of such indebtedness."

"(2) In the payment of principal, interest and sinking fund requirements of bonds or warrants of any county or defined road district the proceeds of which were heretofore expended for lateral roads as in this bill provided, the Board shall make such payments and shall in all matters handle same as provided for the handling of bonds and warrants and county indebtedness on State highways, all as provided in Section 7, Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and subsequent amendments thereto.

"(3) The County Commissioners' Court of any county may exercise the authority now conferred by law to issue refunding obligations for the purpose of refunding any eligible debt of the county or of any defined road district, and such refunding obligations when legally issued shall be eligible obligations within the meaning of this Act. Such refunding operations shall be made under the supervision and subject to the approval of the Board of County and District

Road Indebtedness, and shall be made in the same manner now prescribed under the terms of this Act for the refunding of county and district obligations heretofore determined to have been expended in the construction of highways which constituted, or now constitute, a part of the State Highway system."

Question—Shall the amendment be adopted?

#### Proposed Amendments to House Bill 688

Senator Collie moved that all Senators who have prepared amendments to offer to H. B. No. 688 be requested to submit them at this time and that they be printed in the Journal.

The motion prevailed.

Accordingly, the following proposed amendments were submitted to be printed in the Journal:

(1)

Amend H. B. No. 688, Section 2, by adding the following at the end of said section:

"It is especially provided that as to any county and its included defined districts having a combined principal road indebtedness outstanding as of January 1, 1939, in an amount not exceeding \$150,000.00, wherein an election for road bonds shall have been carried prior to the date this Act becomes effective, such recently voted bonds shall be eligible to participate under this Act as Class "B" indebtedness to the extent the proceeds of such bonds are actually expended on lateral roads as required under this Act."

AIKIN.

(2)

Amend H. B. No. 688, Section 3, Paragraph g, Subsection 1, Page 16 of the mimeographed bill by striking out the following words found in line 17: "of any specified issue or issued of county road or road district bonds or warrants," and inserting in lieu thereof the following: "of issues of county road or road district bonds or warrants, provided each issue of said bonds shall share proportionately in said county's share



of said county lateral road fund used for such purpose,"

VAN ZANDT.

(3)

Amend H. B. No. 688, Section 3, Subsection (g), Subparagraph (1), Page 16, by inserting between the words "highways" and "Such", in the sixth line from the bottom, the following:

"Provided, however, that where the Commissioners' Court shall elect to receive the benefits of this law for the purpose of lateral road construction, such Commissioners' Court shall, upon receiving official notification from the Board of County and District Road Indebtedness, as to the amount which will be made available to said county, for such purpose, shall in fixing the tax levy reduce the amount of such tax levy by the amount of benefits to be received under the provisions of this Act."

REDDITT.

(4)

Amend pending Pace substitute by striking out the words "prior to" on page one, line 6, and insert in lieu thereof the following: "on or before".

AIKIN.

(5)

Amend H. B. No. 688, line 14, page 24, by striking out the following words: "and in which county there has been no deficit by any county depository for a period of three (3) years".

STONE

of Washington.

(6)

Amend H. B. No. 688, Section 7, page 6, by adding after the word "system" in line 18 the following: "provided, however, that no bonds from any county in this State shall ever be eligible to participate in the funds provided for herein if the payment of such bonds has been in default at any time during the three years immediately preceding January 1, 1939."

NELSON.

(7)

Amend H. B. No. 688 by inserting in Line 3, Page 24, between the word "State" and the comma immediately thereafter, the following language,

to-wit: "which mature within the current biennium in which such securities are purchased".

BROWNLEE.

(8)

Amend H. B. No. 688 by inserting after the words "District Highway Fund" where they appear in Line 10, Page 21, of the mimeographed bill, the following language, to-wit: "such county or defined road district shall be denied participation in said fund."

BROWNLEE.

(9)

Amend Section 3, Subsection 7 (a), Pages 4 and 5, of H. B. No. 688 by striking out the phrase, "including expenditures for right of ways," wherever it appears.

BROWNLEE.

(10)

Amend H. B. No. 688 by striking out the figures "1932" wherever they appear on Page 6 of the mimeographed copy of said bill, and inserting in lieu thereof the figures "1939".

BROWNLEE.

(11)

Amend H. B. No. 688 by inserting in Line 6, Page 24, between the word "obligation" and the comma thereafter, the following language, to-wit: "which mature during the current biennium."

BROWNLEE.

#### Bills and Resolutions Signed

The President Pro Tempore signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 614, "An Act amending Sections 14 and 18 [of the law relative to filing of birth certificates]; and declaring an emergency."

H. B. No. 794, "An Act amending Article 6686, Title 116, of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new paragraph providing for the issuance of in-transit permits by the State Highway Commission to any person, firm or corporation engaged in and using the drive-a-way system of transporting motor vehicles under

their own power, and declaring an emergency."

H. B. No. 1049, "An Act providing for rural school supervisor in certain counties; providing for salary for such supervisor; providing traveling and other expenses for such supervisor; making said Act cumulative of all other laws and parts of laws regarding public education; prescribing duties of such supervisor, and declaring an emergency."

H. B. No. 1005, "An Act making it unlawful to kill or attempt to kill deer or wild turkey or molest same in Red River County for a period of five (5) years; providing a penalty; repealing all conflicting laws and declaring an emergency."

H. B. No. 133, "An Act requiring any person hunting any quail outside of the county of his residence upon the private lands of another person in Panola County, to first obtain and have in his possession a written permit; providing that the provision shall not apply where such person is so hunting in company with the owner or agent of such lands; providing other necessary regulations pertaining to the obtaining of such permit; providing that the failure to have in possession such valid permit shall be prima facie evidence of guilt; providing a suitable penalty for violation of any provisions of this Act; providing that it shall be the duty of any peace officer operating in any county affected by the provisions of this Act to enforce the provisions of this Act and repealing all laws conflict with any provision of this Act, in so far as they relate to Panola County."

H. B. No. 652, "An Act amending Article 297 of the Penal Code of Texas, of 1925, as amended by Act of the Forty-fourth Legislature in 1935 [relating to compulsory attendance of school] and declaring an emergency."

H. B. 1058, "An Act creating a Special Road Law for Orange County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of March 1, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, or time warrants, may be included in

such funding bond issue, setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the County Officials of said County in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

H. B. No. 740, "An Act validating certain bonds in cities in the State of Texas operating under the General Laws of the State and located in counties having a population less than 27,500 and more than 27,400, according to the last preceding United States Census, which bonds have been heretofore voted subsequent to enactment of Chapter 382, Acts of the First Called Session of the Forty-fourth Legislature of Texas, 1935, and which bonds are payable out of the revenue to be derived from the operation of a municipal light and power distribution system, and declaring an emergency."

H. B. No. 1020, "An Act providing amount of payment to the Executive Committee, in order to have name placed on ticket for Representative in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

H. B. No. 531, "An Act providing for the use of trotlines in Lake Waco in McLennan County; prescribing when such lines may be used, and the kind of trotline that may be used; providing a penalty for violation of this Act, repealing conflicting laws; and declaring an emergency."

H. B. No. 741, "An Act changing the name of the Girls' Training School to be hereafter known as the Gainesville State School for Girls."

H. B. No. 904, "An Act providing that all counties within this State, having a population in excess of fifty thousand inhabitants, may, upon an order being made by its Commissioners' Court for this purpose, provide for and maintain a county law library; providing for the funds for

said library; granting to said Court all necessary power and authority to make this Act effective; providing that said Act shall be cumulative, and declaring an emergency."

H. C. R. No. 77, Honoring Messrs. W. H. Westfall, G. W. Lacey, and N. L. Norton, who donated the granite for the Capitol Building of the State of Texas, by placing a bronze plaque in the corridor of the State Capitol Building.

H. B. No. 1042, "An Act providing for compensation for county auditor in certain counties; providing mode and manner of payment of such salary; making said Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

H. B. No. 492, "An Act authorizing municipalities, political subdivisions, and taxing districts to effect a plan for the composition of their indebtedness under the provisions of the Federal Bankruptcy laws enacted by the Congress of the United States, and declaring an emergency."

H. B. No. 1030, "An Act amending Article 3902, Section 1, of the Revised Civil Statutes of 1925, by adding Section 1a, providing for salaries of heads of departments which may be appointed by the Commissioners' Courts of counties having a population of not less than nineteen thousand and five hundred (19,500), and not more than nineteen thousand and nine hundred (19,900), according to the last Federal Census, and declaring an emergency."

H. B. No. 1043, "An Act providing for a more adequate and equitable salary for County Superintendents of Public Instruction in all of those counties of Texas coming within the brackets and population figures herein—specifically, in all those counties having not less than seventy-seven thousand and not more than seventy-seven thousand, six hundred; and in all those counties having not less than fifty-one thousand, seven hundred seventy and not more than fifty-one thousand, eight hundred; and in all those counties having not less than twelve thousand, one hundred ninety and not more than twelve thousand two hundred; and in all counties having not less than thirteen thousand, four hundred

and not more than thirteen thousand, five hundred, according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 1072, "An Act amending H. B. No. 813, making it unlawful to hunt, shoot or kill any deer or wild turkey for a period of five years in Somervell, Coryell, Hamilton, Erath, Hood, and Johnson Counties, Texas; providing penalty therefor; and declaring an emergency."

H. B. No. 539, "An Act amending Article 3259 of the Revised Civil Statutes of Texas of 1925, relating to the Waco State Home, formerly known as the Home for Dependent and Neglected Children, so as to facilitate the administration of said Home and to provide for more effective training and care of children in need of it and for the placement of certain children of said Home in children's boarding homes at a rate of not to exceed One (\$1.00) Dollar per day for each child so boarded; provided that such homes shall be licensed by the Division of Child Welfare, State Board of Control; retaining with said superintendent control and custody of the child so placed as same exists with all other inmates of said Home; providing that children may be placed for adoption in homes approved by said Division of Child Welfare, State Board of Control; declaring an emergency."

H. B. No. 1024, "An Act to amend Chapter 105 of the Special Laws passed by the Thirty-third Legislature at its Regular Session in 1913, as amended by Chapter 55, Special Laws of the Forty-third Legislature, Second Called Session, same being a road law for Jackson County, Texas, by adding thereto Section 5a, 5b, and 5c, creating Road District No. 12, Jackson County, Texas, defining and specifically setting out its boundaries, including therein a portion of Road District No. 1, of said County; authorizing the Commissioners' Court to continue to levy an ad valorem tax for the payment of the principal and interest on all outstanding bonds of the former district embraced within Road District No. 12 herein created; authorizing the issuance of bonds by the newly created Road District in the manner and at such times as provided by the General Laws of

Texas, for the issuance of bonds by road districts, and in conformity with Article 3, Section 52 of the State Constitution, and declaring an emergency."

H. B. No. 999, "An Act to prohibit school trustees from soliciting, demanding or suggesting the giving of a bribe for themselves, or for another; prescribing penalties for violation hereof, and declaring an emergency."

H. B. No. 493, "An Act amending Article 5986 of the Revised Civil Statutes of 1925, eliminating certain provisions of said Article [relating to removal of officer from office], and declaring an emergency."

H. B. No. 1077, "An Act providing for more adequate and equitable salary for County Superintendents of Public Instruction in all those counties of Texas coming within the brackets and population figures herein, specifically in all those counties having not less than thirty-four thousand, six hundred (34,600), and not more than thirty-four thousand, seven hundred (34,700), according to the last preceding Federal Census; modifying all laws or parts of laws in conflict herewith; making this Act cumulative of the General Law, and declaring an emergency."

H. B. No. 354, "An Act to permit the killing and annihilating of fox in Erath and Hood Counties; and declaring an emergency."

H. B. No. 1059, "An Act to amend House Bill No. 137, Second Called Session, Forty-fifth Legislature, to provide that fish propagated because of expenditures made from the Medina Lake Fund may be distributed to any of the waters of Medina County, and declaring an emergency."

H. C. R. No. 144, Granting permission to Mrs. Harvey Sharp of Wichita County, Texas, to sue the State of Texas and/or the State Highway Department.

H. B. No. 579, "An Act amending Sections 3, 4, 5 and 7 of Chapter 97, Acts of the Regular Session of the Forty-fourth Legislature of the State of Texas, and declaring an emergency."

S. B. No. 470, "An Act to fix the maximum rate of tax to be levied for

school purposes in all independent school districts which include within their limits a city or town which, according to the then latest Federal Census, had a population of not fewer than seventeen hundred twenty-one (1,721) and not more than seventeen hundred fifty-one (1,751) inhabitants, fixing the maximum tax rate which may be levied for bond sinking fund purposes; providing that no tax shall be levied or collected in such districts until such tax shall have been authorized by a majority vote of the qualified voters of such districts cast at a nelection held for such purpose; repealing all laws in conflict herewith and declaring an emergency."

S. B. No. 194, "An Act to amend Article 5057a of the Revised Civil Statutes of 1925, as amended by S. B. No. 12, Chapter 190, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the manner in which fire insurance companies and casualty insurance companies incorporated under the laws of this State shall render their property for taxation; providing where such property shall be rendered for taxation; and declaring an emergency."

S. B. No. 121, "An Act amending Section 19, subsection h of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as subsection h of Section 19 of Article 3912e, and all amendments to such Act by adding thereto subsection h-2 affecting the appointment and salaries of deputies in the offices of District Clerks in all counties of 250,000 inhabitants and over, and less than 325,000 inhabitants, according to the last preceding Federal Census, and in any county of a larger population; providing for the method of such appointments and salaries in such counties by the filing of an application with the district judges of such counties, to be accompanied by the statement of such district clerks; providing for the order and approval by the district judges in such counties of the appointment of such deputies and the salaries to be paid such deputies; providing for the order of the Commissioners' Courts of such counties for the payment of said salaries of such deputies out of certain funds of such counties; providing for the oath to

be taken by such deputies; providing for the method of discharge or removal of such deputies, and for the increase or decrease of the number of such deputies; providing for the repeal of all laws in conflict herewith; providing for a saving clause and declaring an emergency."

#### House Bill on First Reading

The following bill, received from the House today, was laid before the Senate, read first time, and referred to the committee indicated:

H. B. No. 1079, to Committee on Mining, Irrigation and Drainage.

#### House Concurrent Resolution 166

The following resolution, received from the House today, was laid before the Senate:

H. C. R. No. 166, Inviting Mr. Robert Ripley to address a joint session of the Legislature.

The resolution was read; and by unanimous consent, it was considered immediately and was adopted.

#### Conference Committee on Senate Bill 200

Senator Graves called S. B. No. 200 from the President's table for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

Senator Graves moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate: Senators Graves, Redditt, Lanning, Moffett, and Martin.

#### Recess

Senator Shivers moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Nelson moved that the Senate recess until 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—12

Hill	Shivers
Lanning	Small
Martin	Stone
Metcalfe	of Washington
Moffett	Weinert
Moore	Winfield
Roberts	

#### Nays—15

Aikin	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Spears
Graves	Stone
Hardin	of Galveston
Isbell	Sulak
Lemens	Van Zandt

#### Absent

Cotten

#### Absent—Excused

Beck	Kelley
Head	

The motion to recess prevailed; and the Senate, accordingly, at 5:00 o'clock p. m., took recess until 10:00 o'clock a. m. tomorrow.

### SEVENTY-SEVENTH DAY

#### (Continued)

(Tuesday, May 30, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by the President.

#### Reports of Standing Committees

Senator Moffett, by unanimous consent, submitted at this time the following report of the Committee on Constitutional Amendments:

Austin, Texas,  
May 29, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments to whom was referred H. J. R. No. 44, by Petsch,